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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 KEITH E. BERRY,

7 Plaintiff,

8 v.

9 RUSSELL O'FERRELL, et al.,

10 Defendants.

No. C09-5042 RBL/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

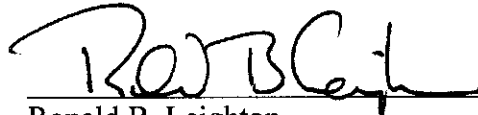
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12 The Court, having reviewed the report and recommendation, Plaintiff's application to
13 proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS:**

14 (1) The Magistrate Judge's Report and Recommendation is approved and adopted.

15 (2) Plaintiff shall pay the required filing fee (\$350.00) to the Clerk of the Court
16 within thirty (30) days of the date of this Order, otherwise this action will be dismissed.

17 (3) The Clerk is directed to send copies of this Order to Plaintiff and any other party
18 that has appeared in this action.
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21 DATED this 23rd day of September, 2009.

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24 Ronald B. Leighton
25 United States District Judge
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